

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION**

Randall Loyis Simpson, ) Civil Action No.: 6:20-cv-02604-JMC  
)  
Plaintiff, )  
)  
v. ) **ORDER**  
)  
Felicia Wilson, Chris Neal, )  
)  
Defendants. )  
)

Plaintiff Randall Loyis Simpson, while a pretrial detainee at the Florence County Detention Center (“the Detention Center”) proceeding *pro se* and *in forma pauperis*, filed this action pursuant to 42 U.S.C. § 1983 against Defendants Felicia Wilson, and Chris Neal, alleging violations of his constitutional rights as protected by the First, Eighth, Fifth, and Fourteenth Amendments. (ECF No. 1 at 4.) He further contends Defendants, employees at the Detention Center, were deliberately indifferent to his medical needs, negligently denied him medical care, caused him to suffer mental and emotional injury, and engaged in medical malpractice. (*Id.* at 4, 5.)

This matter is before the court upon review of the Magistrate Judge’s Report and Recommendation (“Report”) (ECF No. 14). On October 6, 2020, the Magistrate Judge recommended that the court dismiss this action *with prejudice* and without issuance and service of process. (*See id.* at 7.) Specifically, the Magistrate Judge observed that Plaintiff had (1) failed to file an amended complaint within the time provided<sup>1</sup>; and (2) failed to state a claim for medical indifference under 42 U.S.C. § 1983. (ECF No. 14 at 1, 7.)

The Magistrate Judge's Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local

<sup>1</sup> Plaintiff failed to file an amended complaint within the time provided to correct deficiencies identified by a Magistrate Judge's Order issued on September 4, 2020. (ECF No. 14 at 1.)

Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge only makes a recommendation to this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The recommendation has no presumptive weight and the responsibility to make a final determination remains with the court. *See id.* The court reviews de novo only those portions of the Report to which specific objections are filed.<sup>2</sup> *See Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005). The court reviews those portions which are not specifically objected to only for clear error. *See id.* at 316. The court may accept, reject, or modify, in whole or in part, the Magistrate Judge’s recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

The parties were advised of their right to file objections to the Report. (*See* ECF No. 14 at 8.) However, none of the parties filed objections to the Report.

In the absence of objections to the Magistrate Judge’s Report, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Furthermore, failure to file specific written objections to the Report results in a party’s waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985).

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<sup>2</sup> An objection is specific if it “enables the district judge to focus attention on those issues—factual and legal—that are at the heart of the parties’ dispute.” *One Parcel of Real Prop. Known As 2121 E. 30th St.*, 73 F.3d 1057, 1059 (10th Cir. 1996) (quoting *Thomas v. Arn*, 474 U.S. 140, 147 (1985)).

After a thorough review of the Report and the record in this case, the court finds the Report provides an accurate summary of the facts and law and does not contain clear error. Therefore, the court **ACCEPTS** the Magistrate Judge's Report and Recommendation (ECF No. 14) and **DISMISSES** the case *with prejudice* and without issuance and service of process pursuant to Fed. R. Civ. P. 41(b).

**IT IS SO ORDERED.**

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

December 28, 2020  
Columbia, South Carolina